



Agenda Date: 1/31/01
Agenda Item: IV-A

STATE OF NEW JERSEY

Board of Public Utilities

*Two Gateway Center
Newark, NJ 07102*

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
SERVICE ELECTRIC CABLE T.V. OF)
HUNTERDON FOR THE RENEWAL OF THE)
CERTIFICATE OF APPROVAL FOR THE)
CONSTRUCTION, OPERATION AND)
MAINTENANCE OF A CABLE TELEVISION)
SYSTEM IN THE TOWNSHIP OF)
LOPATCONG, COUNTY OF WARREN,)
STATE OF NEW JERSEY)

RENEWAL CERTIFICATE OF APPROVAL

DOCKET NO. CE00100797

Thomas C. Kelly, Esq., West Caldwell, New Jersey, for the Petitioner.

Township Clerk, Township of Lopatcong, New Jersey, by Margaret Dilts, for the Township.

BY THE BOARD:

On April 8, 1981, the Board granted Sammons Communications of New Jersey, Inc. ("Sammons") a Certificate of Approval in Docket No. 807C-6696, for the construction, operation and maintenance of a cable television system for the Township of Lopatcong ("Township"). On January 26, 1993, the Board granted Sammons a Renewal Certificate of Approval for the Township, in Docket No. CE91101577. On February 28, 1996, the Board approved the transfer of the Certificate from Sammons to Service Electric Cable T.V. of Hunterdon, Inc. ("Petitioner") in Docket No. CM95100503. The Petitioner's Certificate is scheduled to expire on April 8, 2001.

The Petitioner filed an application for the renewal of its municipal consent with the Township on or about June 1, 2000, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Township held a public hearing but did not adopt a municipal ordinance granting renewal consent.

On October 20, 2000, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Township. On November 1, 2000, the Township adopted an ordinance granting renewal municipal consent to the Petitioner. The Petitioner accepted the ordinance on November 30, 2000 and amended its petition on December 4, 2000.

The Board has reviewed the application for municipal consent, the petition and amended petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Township reviewed these qualifications in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is 15 years. The Office of Cable Television finds this period to be of reasonable duration.
5. The Township has reserved the right to review the performance of the Petitioner with regard to the ordinance. If the Township determines that the Petitioner has not complied with the material terms of the ordinance and the Petitioner has been provided with written notice and a reasonable opportunity to cure, the Township may petition the Board for a reduction of the franchise term or other appropriate relief. The extent of the reduction sought from the Board by the Township shall be commensurate with the nature and extent of the material non-compliance.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
7. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. The current agent serving this provision is located at 387 S. Main Street in the Town of Phillipsburg.
9. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Township. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
10. The Petitioner shall utilize the line extension policy attached to the Certificate as Appendix "I". The minimum homes per miles to be used is 35. However, the Petitioner shall serve any residential development of 10 dwellings or more as needed or requested in the future, without application of a line extension policy.

11. The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance.
12. The Petitioner shall provide reasonable coverage of important Township events, in collaboration with the Township, and shall produce programs on same, to be aired on the Petitioner's local origination channel. The Township shall use its best efforts to assist the Petitioner in selecting appropriate events for coverage. The Township shall consult with the Township Board of Education for that purpose. The Petitioner shall use its best efforts to replay its coverage of all such events within one week of the event's original air date.
13. The Township shall establish an access committee which shall develop procedures, operational guidelines and programming safeguards for the production and distribution of non-commercial PEG access programming, as further defined in the ordinance.
14. The Petitioner shall continue to offer its senior/disabled citizens' discount, in accordance with applicable law and regulations.
15. The Petitioner shall provide the standard installation and basic monthly service, free of charge, to each existing school, fire department, emergency squad and the Township municipal building.
16. The Petitioner shall provide installation and basic cable service, free of charge, to each classroom, library, laboratory or other room providing educational activities in the to-be-constructed Township Elementary School and Township High School.
17. Upon the Township's reasonable request and notice, the Petitioner shall meet with the Township or its authorized representatives at least annually to discuss provision of service to residents of the Township. Such meetings shall be open to the public.

Based upon these findings, the Board HEREBY CONCLUDES pursuant to N.J.S.A. 48:5A-17(a) and 28(c), that the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Township.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications

Commission's rules and regulations, 47 C.E.R. Section 76.1 et seq. Any modifications to the

provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on April 8, 2016.

DATED: January 31, 2001

BOARD OF PUBLIC UTILITIES
BY:

(signed)

HERBERT H. TATE
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

ATTEST:

(signed)

FRANCES L. SMITH
BOARD SECRETARY